

Supreme Court Modernization and Panel Act of 20XX

SECTION 1. SHORT TITLE

This Act may be cited as the “Supreme Court Modernization and Panel Act.”

SECTION 2. FINDINGS AND PURPOSE

(a) **Findings.** Congress finds that:

- (1) Article III of the Constitution vests the judicial power of the United States in one Supreme Court and such inferior courts as Congress may establish.
- (2) Congress possesses authority to determine the size, internal procedures, quorum requirements, and appellate jurisdiction of the Supreme Court.
- (3) Throughout the federal judiciary, randomly assigned panels and limited review to overrule precedent by a broader judicial panel promote fairness, stability, and public confidence.
- (4) Concentration of adjudicatory authority in a small and fixed number of Justices increases volatility and politicization and undermines the perception of neutral adjudication.
- (5) The effectiveness of randomized panel adjudication depends on a sufficient number of Justices to ensure that panel composition is meaningfully unpredictable over time; empirical and structural considerations demonstrate that a substantially larger Court is necessary to achieve robust randomness and to prevent recurring factional alignments.

(b) **Purpose.** The purposes of this Act are to:

- (1) Modernize Supreme Court decision-making through panel adjudication;
- (2) Reduce the stakes of individual vacancies while preserving life tenure;
- (3) Promote continuity, stability, and legitimacy in constitutional adjudication;
- (4) Ensure that judicial authority is exercised through neutral and transparent processes.

SECTION 3. DEFINITIONS

For purposes of this Act:

- (a) **“Justice”** means a Justice of the Supreme Court of the United States appointed pursuant to Article II and Article III.
- (b) **“Merits panel”** means a panel of Justices assigned to hear and decide a case on the merits.
- (c) **“Review panel”** means a panel constituted pursuant to Section 9 for reconsideration of Supreme Court precedent.
- (d) **“Average Term of Service”** means the average length, measured in whole years, of completed active service of Supreme Court Justices whose service concluded during the fifty-year period preceding the most recent recalibration under Section 5(g).
- (e) **“Reference Court Size”** means twenty-five (25) Justices, reflecting the minimum scale necessary to support robust randomized panel adjudication, and shall be used solely for purposes of calibrating the appointment schedule under Section 5 and shall not constitute a fixed cap or required size.

SECTION 4. COMPOSITION AND AUTHORIZED SIZE OF THE SUPREME COURT

- (a) **Composition.** The Supreme Court of the United States shall be composed of the Justices appointed pursuant to Article II and Article III of the Constitution and serving in accordance with this Act.
- (b) **Preservation of Existing Offices.** Nothing in this Act shall be construed to alter the tenure, compensation, rank, or constitutional status of any Justice serving on the date of enactment.

SECTION 5. SCHEDULED APPOINTMENTS TO THE SUPREME COURT

- (a) **Appointment Cycles.** Appointments to the Supreme Court shall occur only during biennial appointment cycles, beginning on January 20 of the first year following enactment of this Act. No appointment to the Supreme Court may occur outside an appointment cycle.
- (b) **Baseline Appointment.** In each appointment cycle, the President shall nominate, and by and with the advice and consent of the Senate appoint, one (1) Justice.

- (c) **Supplemental Appointments.** In addition to the scheduled appointment under subsection (b), the President may nominate, and the Senate may confirm, a limited number of supplemental Justices during an appointment cycle, as determined under subsection (d), to maintain continuity and long-run stability in the size of the Court.
- (d) **Determination of Supplemental Appointments.** The number of supplemental appointments authorized for an appointment cycle shall be determined as follows:
 - (1) Divide the Reference Court Size by the Average Term of Service and multiply the result by two;
 - (2) Subtract the one baseline appointment for that cycle under subsection (b);
 - (3) Any remaining whole number shall authorize an equal number of supplemental appointments for that cycle.
 - (4) Any fractional remainder shall be carried forward and aggregated with fractional remainders from subsequent cycles for purposes of future determinations. Such fractional remainders shall be maintained on a continuing basis by the Administrative Office of the United States Courts and shall not be reset except as provided by law.
- (e) **Per-Cycle Cap.** Notwithstanding subsection (c) of this section, the total number of appointments made during any appointment cycle shall not exceed twenty-five percent (25%) of the number of Justices at the start of that cycle.
- (f) **No Vacancy-Triggered Appointments.** No vacancy arising from death, resignation, retirement, or incapacity of a Justice shall give rise to an out-of-cycle nomination or appointment.
- (g) **Recalibration of Appointment Parameters.** The Average Term of Service used for purposes of subsection (d) shall be recalculated by the Administrative Office of the United States Courts no more frequently than once every ten years. Such recalibration shall apply prospectively to appointment cycles beginning after the recalibration date. Any fractional remainder accumulated under subsection (d)(4) prior to recalibration shall be preserved and applied under the recalibrated parameters.

SECTION 6. PANEL DECISIONMAKING REQUIRED

- (a) **General Rule.** Except as provided in Section 9, all cases heard on the merits by the Supreme Court shall be decided by merits panels constituted pursuant to this Act.
- (b) **Authority of Panels.** A merits panel duly constituted under this Act shall exercise the full judicial power of the Supreme Court with respect to the case assigned.

SECTION 7. CHIEF JUSTICE

- (a) **Continuation in Office.** Nothing in this Act shall be construed to alter the office, title, tenure, compensation, or constitutional status of the Chief Justice of the United States.
- (b) **Administrative Functions.** The Chief Justice shall continue to perform such administrative, supervisory, and ceremonial duties as are assigned by the Constitution or by law, including duties relating to the administration of the federal judiciary.
- (c) **Adjudicatory Role.** In adjudicating cases on the merits, the Chief Justice shall participate only through assignment to merits panels or review panels constituted pursuant to this Act, and shall possess no greater or lesser adjudicatory authority than any other Justice assigned to such panel.

SECTION 8. MERITS PANELS AND ASSIGNMENT

- (a) **Panel Size.** Merits panels shall be constituted as follows, based on the number of Justices:
 - (1) With 11 Justices or less, panels shall consist of 3 members.
 - (2) With more than 11 but less than 17 Justices, panels shall consist of 5 members.
 - (3) With more than 17 Justices, panels shall consist of 7 members.
- (b) **Assignment Method.**
 - (1) Justices shall be assigned to merits panels through a randomized and neutral process.
 - (2) The assignment process shall ensure equitable workload distribution and avoid systematic bias.

SECTION 9. OVERRULING PRECEDENT

- (a) **Availability.** Reconsideration of Supreme Court precedent may occur only by review panel.
- (b) **Review Panel Size.** Review panels shall be constituted as follows, based on the number of Justices:
 - (1) With 11 Justices or less, review panels shall consist of 7 members.
 - (2) With more than 11 but less than 17 Justices, review panels shall consist of 9 members.

- (3) With more than 17 Justices, review panels shall consist of 11 members.
- (c) **Vote Required.** A review panel may overturn precedent only upon the affirmative vote of two-thirds ($\frac{2}{3}$) of the panel.
- (d) **Assignment Method.**
 - (1) Justices shall be assigned to review panels through a randomized and neutral process.
 - (2) The assignment process shall ensure equitable workload distribution and avoid systematic bias.

SECTION 10. PRECEDENTIAL EFFECT

A decision of a merits panel shall constitute binding precedent of the Supreme Court unless overturned pursuant to Section 9.

SECTION 11. RULEMAKING AUTHORITY

The Supreme Court may promulgate such rules as are necessary to carry out this Act, provided that such rules are consistent with its provisions and preserve random assignment requirements.

SECTION 12. SEVERABILITY

If any provision of this Act or its application is held invalid, the remainder of the Act and its application shall not be affected.

SECTION 13. EFFECTIVE DATE

This Act shall take effect on the first January 20th following enactment.